

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William Keith Gary,)
)
Plaintiff,)
)
vs.) Civil Action No.: 1:11-cv-353-TLW-SVH
)
Larry Powers, Warden; and)
Dr. S. Bianco, M.D.,)
)
Defendants.)
)

ORDER

On February 15, 2011, the plaintiff, William Keith Gary (“plaintiff”), proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. (Doc. # 1). The case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 67). On November 3, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that this action be dismissed with prejudice for failure to prosecute. (Doc. # 67). The plaintiff filed no objections to the Report. Objections were due on November 21, 2011.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this

Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 67). For the reasons articulated by the Magistrate Judge, this action is **DISMISSED** with prejudice for failure to prosecute.¹

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

January 5, 2012
Florence, South Carolina

¹ After several case-related documents sent to the plaintiff were returned as undeliverable, the Magistrate Judge directed the defendants to file a status report indicating whether they had any knowledge of the plaintiff's current location. (Doc. # 58). Counsel for defendant Powers responded and indicated the plaintiff is in the custody of the Bureau of Prisons and is currently located at the United States Medical Center for Federal Prisoners ("MCFP"). (Doc. # 61). Both the Magistrate Judge's September 19, 2011, Order (Doc. # 62) directing the plaintiff to advise the Court as to whether he wishes to continue with this action and the Report and Recommendation (Doc. # 67) recommending dismissal were sent to the plaintiff at the MCFP (Docs 63, 68). Neither document was returned to the Court as undeliverable.